cover the actual damages which such person thereby received' (citing 2 Greenleaf, Ev., § 85; Shay *v.* Thompson, 59 Wis. 540, 18 N. W. 473, 48 Am. Rep. 538; Fitzgerald *v.* Calvin, 110 Mass. 153; Adams *v.* Waggoner, 33 Ind. 531, 5 Am. Rep. 230; Com. *v.* Collberg, 119 Mass. 350, 20 Am. Rep. 328; Grotton *v.* Glidden, 84 Me. 589, 24 Atl. 1008, 30 Am. St. Rep. 413). We agree that this statement of the law is correct."

Nuisance—Stare Decisis—Rule of Property—Effect of Subsequent Statute.—In State *v.* Sutherland, 166 N. W. 14, the Supreme Court of Wisconsin, held that where structures of substantially the same kind and extent as are sought to be enjoined as a nuisance have been twice held by the Supreme Court not to be such, it is the duty of such court to follow the decisions and protect property rights which have grown up thereunder.

It was held that where structures of the character complained of had been twice judicially adjudicated to be lawful, and plaintiff had erected similar structures in reliance upon such decisions, he could not be deprived, without compensation, of the property rights so accruing because a statute enacted subsequently to the decisions and to the erection of plaintiff's structures assumed to declare such structures a nuisance. The court said in part:

"The right to maintain a navigable river free of all obstruction to navigation, as that term was understood at common law, is not inconsistent with such private ownership of the bed of the stream (Wisconsin cases cited above; Magnolia *v.* Marshall, 39 Miss. 109; Pascagoula Boom Co. *v.* Dixon, 77 Miss. 587, 28 South. 724, 78 Am. St. Rep. 536; McLennan *v.* Prentice, 85 Wis. 427, 443, 55 N. W. 764; Priewe *v.* W. S. L. & I. Co., 93 Wis. 534, 67 N. W. 918, 33 L. R. A. 645; United States *v.* Chandler-Dunbar Co., 229 U. S. 53).

"If the right of the public to have the navigable streams of the State kept free from obstruction has been modified to any extent, it has been so modified by the force and effect of a State policy so long adhered to as to have become a rule of property, thereby vesting certain rights in the riparian proprietor by implication of law (Willow River Club *v.* Wade, 100 Wis. 86). This modification, if such it is, having been sanctioned by the courts and long adhered to, must, under the doctrine of stare decisis, be held to have established a rule of property, and, at least so far as rights have accrued thereunder, they will not be disturbed (Olson *v.* Merrill, supra; Barney *v.* Keokuk, 94 U. S. 324, 24 L. Ed. 224; Brader *v.* Brader, 110 Wis. 423, 85 N. W. 681).

"With these well-established principles in mind, we proceed to a consideration of the status of the property in question. A careful reading of the findings in this case, as well as of the showing made

in State *v.* Carpenter (68 Wis. 165, 31 N. W. 730, 60 Am. Rep. 848) and in Janesville *v.* Carpenter (77 Wis. 288, 46 N. W. 128, 8 L. R. A. 808, 20 Am. St. Rep. 123) clearly shows that the situation existing in the Rock River at the place in question is in many respects peculiar perhaps to that river and to that place. Rock River, judging from the number of dams, is a comparatively rapid running stream; it appears to be a slowly rising stream, due to the fact that it runs through a comparatively level country, abounding in lakes and having a slow run-off. Flood waters apparently reach it slowly and are rapidly passed away.

"Apart from the provisions of section 1596, as amended by chapter 652, Laws 1911, substantially the exact situation presented by the facts as found by the trial court in this case has been twice before this court, and in these cases this court held that structures of substantially the same kind and extent as are found to exist in this case by reason of the peculiar circumstances found in connection therewith were structures which could not be abated as a nuisance at the suit of the State or private parties (State *v.* Carpenter, 68 Wis. 165; Janesville *v.* Carpenter, supra).

"In reliance upon these decisions large investment has been made, property rights have grown up, and, as before stated, these rights so far as vested should be protected. This court at this time is not at liberty to pass upon the situation presented by the findings in this case as an original proposition, and it is not necessary for us to say whether or not we would, upon these facts as an original question, arrive at the same conclusion. It is our duty in administering the law to recognize and give effect to these decisions under well-known and well-established principles of law (Barney *v.* Keokuk, supra).

"On behalf of the State it is claimed that by the enactment of chapter 652, Laws 1911, the situation has been changed. If by this is meant that the defendant or those similarly situated may, without compensation, be summarily deprived of valuable property rights which accrued prior to the enactment of said chapter, section 1596 as amended, so considered and applied, would be invalid. It must therefore be held that the provisions of section 1596 as amended do not affect the rights of the defendant accrued at the time of the enactment of chapter 652, Laws 1911. Structures of the character of those complained of in this case, similarly situated and erected prior to the enactment of chapter 652, having been declared to be lawful and not nuisances, cannot be made such by mere legislative fiat. (Water Power Cases, 148 Wis. 124, 145, 134 N. W. 330, 38 L. R. A., N. S., 526). While the evidence discloses a situation at Janesville which may in some of its aspects be deemed inimical to the public welfare, it is nevertheless true that, if the situation is to be changed, it must be done by lawful and constitutional methods, and it cannot be done by depriving private citizens of property rights without just compensation.

"While the exact date of the erection of the building is not shown, it appears to have been erected some time during the early 90's; at any rate, long prior to the enactment of chapter 652, Laws 1911. It must be held, therefore, that the building described in the complaint cannot be removed as a nuisance within the rules above stated."

Fraud—Illegal Marriage to Induce Cohabitation—Limitation of Action.—In Larson *v.* McMillan, in the Supreme Court of Washington (January, 1918, 170 Pac. 324), it appeared that the defendant had induced the plaintiff to enter into a ceremonial marriage under false representations that defendant was single and had the legal right to marry. A cause of action for damages sustained by the woman through such deceit was recognized, a judgment in her favor for the sum of $20,000 being affirmed. Several decisions of various courts are cited, among them that of the New York Court of Appeals in Blossom *v.* Barrett (37 N. Y. 424), holding that "a defendant who has, by false representations, procured a marriage between himself and the plaintiff, when by law he was not competent to enter into the marriage contract, is liable to her in damage," and that, "when by the statute the said attempted marriage is void, the plaintiff may maintain her action against the fraudulent husband without first procuring a formal annulment of the contract."

Several points of very considerable interest are passed upon in the principal case. It was laid down, in analogy with actions for Breach of Promise, that the financial standing of the defendant was a material issue; that the plaintiff was entitled to prove the amount of the defendant's property as bearing upon her damage, and that she was not bound by the pecuniary condition of defendant as of the date of discovery of the fraud where the value of the property at such date was speculative, but that it was within the court's discretion to permit fixing compensation as of the date of the verdict. In this connection it is observed in the opinion that "between the time of the marriage and the discovery of the fraud respondent was a dutiful wife and should be compensated for her loss as an equivalent to what would have been her community interest if the marriage had been valid. The property of appellant was not productive at the time of the marriage, nor was it, as we remember the record, of proved value when respondent left appellant. The character of the property is such that the law classes it as speculative, and respondent was entitled to show its worth within a reasonable time after it was developed."

The question principally discussed was as to the bearing of the Statute of Limitations. In Wood on Limitations (4th ed., vol. 2, sec. 276b5), the general rule is laid down that "where fraud relied on as the basis of an action for deceit is concealed by the defendant, the Statute of Limitations does not begin to run until it is discovered, or might